

Waterford Cable Commission
AGENDA
6:30 pm, Tuesday, October 18, 2022
Town Hall, 3rd Floor Conference Room

1. Approval of agenda
2. Approval of minutes
3. Correspondence and bills
4. Signal quality
5. Subscriber complaints
6. Report from Media Network
7. Report from Cable Coordinator
8. Comments
9. Adjourn



Waterford Township Cable Commission

Minutes of the Tuesday, September 20, 2022 Meeting

Members Present: Laura Petrusha, Anthony Bartolotta, Janey Mosakoski, Al Pavlish, Bob Piggott, Jim Powers, Ken Fuerst

Guests: Gary Allison (Cable Coordinator)

Chairperson Laura Petrusha called the meeting to order at 6:32p.m.

Agenda – Anthony Bartolotta motioned to approve the agenda for September 20, 2022, supported by Bob Piggott. Approved unanimously.

Minutes – Anthony Bartolotta motions to approve the minutes for August 16, 2022 meeting, supported by Bob Piggott. Approved unanimously.

Correspondence and Bills – PROTEC invoice coming, commission to discuss.

Signal Quality – Nothing to report

Subscriber Complaints – No outstanding complaints.

Media Network Report – Josh Bowren emailed submission for review.

Cable Coordinator's Report – Gary Allison reviewed report.

Comments – Gary Allison reminded commission that preliminary budget meetings are on September 21 for the cable department.

Adjournment – Jim Powers motioned to adjourn, supported by Anthony Bartolotta. Approved unanimously. Meeting adjourned at 7:08 p.m.

Respectfully submitted,
Janey Mosakoski, Secretary

Township of Waterford
Cable Coordinator Report October 2022
Submitted by Gary Allison

- Preliminary Budget Meeting
 - Cable Department's prelim budget meeting went well. Reported to the budget board that dramatic cuts in revenue are projected due to AT&T's move to discontinue Uverse, which has cut AT&T cable subscribers drastically, therefore reducing franchise fees.
- Michigan State Representative Julie Calley has introduced HB 6449, which would seek to redefine "Video Service" in PA 480, the 2006 Video Service Act, specifically excluding satellite video and "streaming" video service. This Bill would, if adopted in this format, exclude Over the Top (OTT) Internet and satellite Video providers from ever paying Video Service Franchise Fees (Cable Fees). This is important as there are several municipal lawsuits nationally seeking to require franchise fees from those entities, such as Netflix, who essentially behave much like traditional cable operators and video service providers. This Bill would end that potential.
- Importantly, such legislation could encourage incumbent cable companies, and currently acknowledged video service providers who have been paying franchise fees for decades, to seek similar relief on an equal protection claim. This is potentially a very damaging municipal revenue loss.
 - The key language is included below and the referenced draft of the Bill is attached.
 - "Video service" means video programming, cable services, IPTV, or OVS **by a video service provider** through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. This definition does not include any video of the following:
 - Video programming provided by a provider of commercial mobile service provider as that term is defined in 47 USC 332(d).
 - or provided solely as part of, and via,
 - Direct-to-home satellite services as that term is defined in 47 USC 303(v).
 - Video programming accessed via a service that enables users to access content, information, electronic mail, email, or other services offered over the public internet, including streaming content.
- "Video service provider" or "provider" means a person authorized under this act to provide video service.
- "Video service provider fee" means the amount paid by a video service provider or incumbent video provider under section 6.
- The Cable Department has submitted a recommendation, via Township Supervisor Wall's office to the Waterford Township Board of Trustees, to consider issuing a resolution denouncing this bill to State Representative Julie Calley, in an effort to cease breaking the backs of Michigan's municipalities, and allow them to manage their rights-of-ways efficiently and appropriately as they see fit.

HOUSE BILL NO. 6449

October 11, 2022, Introduced by Reps. Calley and Coleman and referred to the Committee on Communications and Technology.

A bill to amend 2006 PA 480, entitled "Uniform video services local franchise act," by amending section 1 (MCL 484.3301).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. (1) This act ~~shall be known and~~ may be cited as the "uniform video services local franchise act".

(2) As used in this act:

(a) "Cable operator" means that term as defined in 47 USC 522(5).

(b) "Cable service" means that term as defined in 47 USC 522(6).

(c) "Cable system" means that term as defined in 47 USC 522(7).

(d) "Commission" means the Michigan public service commission.

(e) "Franchising entity" means the local unit of government in which a provider offers video services through a franchise.

(f) "Household" means a house, an apartment, a mobile home, or any other structure or part of a structure intended for residential occupancy as separate living quarters.

(g) "Incumbent video provider" means a cable operator serving cable subscribers or a telecommunication provider providing video services through the provider's existing telephone exchange boundaries in a particular franchise area within a local unit of government on the effective date of this act.

(h) "IPTV" means internet protocol television.

(i) "Local unit of government" means a city, village, or township.

(j) "Low-income household" means a household with an average annual household income of less than \$35,000.00 as determined by the most recent decennial census.

(k) "Open video system" or "OVS" means that term as ~~defined~~ **described** in 47 USC 573.

(l) "Person" means an individual, corporation, association, partnership, governmental entity, or any other legal entity.

(m) "Public rights-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easements dedicated for compatible uses.

(n) "Uniform video service local franchise agreement" or "franchise agreement" means the franchise agreement required under this act to be the operating agreement between each franchising entity and video provider in this state.

(o) "Video programming" means that term as defined in 47 USC 522(20).

(p) "Video service" means video programming, cable services, IPTV, or OVS **by a video service provider** provided through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. This definition does not include any ~~video of the~~ **following:**

(i) **Video** programming provided by a **provider of** commercial mobile service ~~provider as that term is~~ defined in 47 USC 332(d).

~~or provided solely as part of, and via,~~

(ii) Direct-to-home satellite services as that term is defined in 47 USC 303(v) .

(iii) Video programming accessed via a service that enables users to access content, information, ~~electronic mail, email,~~ or other services offered over the ~~public~~-internet, **including streaming content.**

(q) "Video service provider" or "provider" means a person authorized under this act to provide video service.

(r) "Video service provider fee" means the amount paid by a video service provider or incumbent video provider under section 6.